Attorney Docket No. 1014-065US01/NP-0309

651-735-1102

#### SHUMAKER & STEFFERT, P.A.

## United States Patent Application

#### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and that I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONTROLLING DATA LINK LAYER ELEMENTS

b. ≥ was filed on time 20, 2003 as application striat no. 10/601,131 and was mensied on claimed in international no. filed and as amended on filed application of described and claimed in international no. filed and as amended on (if any), which I time reviewed and for which I solicit a United States patent.  I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.  I ecknowledge the duty to disclose information, which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attended hereto).  I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate liked below and bave also identified below any foreign application for patent or inventor's certificate having a filing date before that of the applications have been filed as follows:  FOREIGN APPLICATIONS). IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119  COUNTRY  APPLICATION NUMBER DATE OF FILING (day, month, year)  ALL FOREIGN APPLICATION(S). IF ANY, FILED REFORE THE PRIORITY APPLICATION(S)  ALL FOREIGN APPLICATION(S). IF ANY, FILED REFORE THE PRIORITY APPLICATION(S)  ALL FOREIGN APPLICATION NUMBER DATE OF FILING (day, month, year)  I hereby claim the benefit of any United States and PCT international application(s) listed below and, insofar as the subject mater of each of the claims of this application is not disclosed in the prior United States opplication in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior United States opplication on the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 3	The specification of which  a.   is attached hereto			
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that of the application on the basis of which priority is claimed;  a M no such applications have been filed.  b M such applications have been filed as follows:  FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119  COUNTRY APPLICATION NUMBER DATE OF FILING DATE OF ISSUE (day, month, year)  ALL FOREIGN APPLICATION(S), IF ANY, FILED REFORE THE PRIORITY APPLICATION(S)  COUNTRY APPLICATION NUMBER DATE OF FILING DATE OF ISSUE (day, month, year)  ALL FOREIGN APPLICATION NUMBER DATE OF FILING DATE OF ISSUE (day, month, year)  I hereby claim the benefit of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.  YES APPLICATION NOTED.	I seknowledge the duty to dis of Federal Regulations, § 1.50	close information, which is not stated in the state of th	natorial to the petentability of this	application in accordance with Title 37, Code
ALL FOREIGN APPLICATION NUMBER  ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)  COUNTRY  APPLICATION NUMBER  DATE OF FILING (day, month, year)  ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)  DATE OF ISSUE (day, month, year)  APPLICATION NUMBER  DATE OF FILING (day, month, year)  APPLICATION NUMBER  DATE OF FILING (day, month, year)  APPLICATION NUMBER  DATE OF FILING (day, month, year)  APPLICATION NUMBER  Thereby claims the benefit of any United States and PCT international application (s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.  The APPLICATION NOTED.	that of the application on the la.	we also to combined below any : basis of which priority is clain we been filled.	toreren application for nateur or i	foreign application(s) for patent or inventor's nventor's certificate having a filing date before
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	U.S. APPLICATION NU	MBER DATE OF FI	LING (day, month, year)	STATUS

I hereby appoint Practitioners at Customer Number 28863 and the following Practitioners



Steven J. Shumaker	Reg. No. 36,275	Daniel J. Hanson	Reg. No. 46,757
Kent J. Sieffert	Reg. No. 41,312	Kelly P. Fitzgerald	Reg. No. 46,326
Jason D. Kelly	Reg. No. 54,213	David L. Clark	Reg. No. 37,082
Allen M. Lo	Reg. No. 37,059	Kari H. Bartingale	Reg. No. 35,183
Richard J. Gregson	Reg. No. 41,804	_	

as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sieffert, P.A. to the contrary.

Please direct all correspondence in this case to:

SHUMAKER & SIEFFERT, P.A. 8425 Scasons Parkway, Suite 105 St. Paul, Minnesota 55125 Telephone: 651.735.1100 Facsimile: 651.735.1102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may propardize the validity of the application or any patent issued thereon.

Full Name Of Inventor	Family Name Kokot	First Given Name Mathias	Second Given Name
Residence & Citizenship	City Medford	State or Poreign Country Massachusetts	Country of Citizenship
Post Office Address	Post Office Address 9 Clewicy Road	City Medford	State & Zip Code/Country MA 01255/USA
gnature of Inventor	7	Date:	·
Full Name Of Inventor	Family Name Rodler	First Given Name	Second Oiven Name
Residence	City	Humann	0
Residence & Citizenship	Oberhaching	State or Foreign Country Germany	Country of Citizenship Germany
Residence	Oberhaching Fost Office Address Mnonshnor Strasse 29 F	State or Foreign Country	

651-735-1102

Post Office Address City State & Zip Code/Country Address 42 Masconomo Street Manchester Manchester Date:

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Moisand	Jerome	
Residence & Citizenship	City Arlington	State or Foreign Country Massachusetts	Country of Citizenship France
Post Office	Post Office Address	City	State & Zip Code/Country MA 02476/USA
Address	31 Hawthorne Avenue	Arlington	
Signature of Inventor		Date	):

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Genmer	Thomas	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Munchen	Germany	Germany
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Hofangerstr. 130	München	81735 Germany
Signature of Inventor	r:	D	ate:

## § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any existing under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentially defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of impatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prime facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - Each inventor named in the application:
  - Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney Docket No. 1014-065US01/JNP-0309

#### SHUMAKER & SIEFFERT, P.A.

#### **United States Patent Application**

#### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and that I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONTROLLING DATA LINK LAYER ELEMENTS WITH NETWORK LAYER ELEMENTS

COLUMN WITH ME	WORK DATER ELEMENTS			
c. Was (in the case of	ch  20, 2003 as application serial no. 10/601, fa PCT-filed application) described and clad for which I solicit a United States pate	laimed in international no.	(if applicable) or filed and as amended on	(if any),
I hereby state that I have any amendment referred	reviewed and understand the contents of to above.	the above-identified specifi	ication, including the claims, as ar	nended by
I acknowledge the duty of Federal Regulations,	to disclose information, which is material (§ 1.56 (attached hereto).	to the patentability of this a	pplication in accordance with Titl	le 37, Code
certificate listed below a that of the application or a.   no such application	riority benefits under Title 35, United State and have also identified below any foreign a the basis of which priority is claimed: ons have been filed.  have been filed as follows:	es Code, § 119/365 of any : application for patent or in	foreign application(s) for patent o ventor's certificate having a filing	r inventor's date before
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Steven J. Shumaker	Reg. No. 36,275	Daniel J. Hanson	Reg. No. 46,757
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Allen M. Lo	Reg. No. 37,059	Kari H. Bartingale	Reg. No. 35,183
Richard J. Gregson	Reg. No. 41,804	·	

as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sjeffert, P.A. to the contrary.

Please direct all correspondence in this case to:

SHUMAKER & SIEFFERT, P.A. 8425 Seasons Parkway, Suite 105 St. Paul, Minnesota 55125

Telephone: 651.735.1100 Facsimile: 651.735.1102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Kokot	Mathias	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Medford	Massachusetts	Germany
Post Office	Post Office Address 9 Clewley Road	City	State & Zip Code/Country
Address		Medford	MA 01255/USA
Signature of Inventor		Date:	

	Full Name Of Inventor	Family Name Rodler	First Given Name Hermann	Second Given Name		
	Residence	City	State or Foreign Country	Country of Citizenship		
	& Citizenship	Oberhaching	Germany	Germany		
	Post Office	Post Office Address	City	State & Zip Code/Country		
	Address	Muenshuer Strasse 29 F	Oberhaching	82041 Germany		
ľ	Signature of Inventor:  Date:					

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Melden	Kurt	second Given Name
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Manchester	Massachusetts	USA
Post Office	Post Office Address	City	State & Zip Code/Country
Address	42 Masconomo Street	Manchester	MA 01944/USA
Signature of Inventor		Date	
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Moisand	Jerome	Social Given Haine
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Arlington	Massachusetts	France
Post Office	Post Office Address	City	State & Zip Code/Country
Address	31 Hawthorne Avenue	Arlington	MA 02476/USA
signature of Inventor:		Date:	
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Genumer	Thomas	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	München	Germany	Germany
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Hofangerstr. 130	München .	81735 Germany
ignature of Inventor.	Thomas de une	Date:	October 28th, 2003
	Thomas Munion		Kodober 28th , 2003

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## United States Patent Application

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28803 Patent Trademark office

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Telephone: 651.735.1100 Facsimile: 651.735.1102

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Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Kokot	Mathias	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Medford	Massachusetts	Germany
Post Office	Post Office Address	City	State & Zip Code/Country
Address	9 Clewley Road	Medford	MA 01255/USA
Signature of Inventor		Da	tc:

Full Name Of Inventor	Family Name Rodler	First Given Name Hermann		Second Given Name
Residence	City	State or Foreign Cour	atry	Country of Citizenship
& Citizenship	Oberhaching	Germany		Germany
Post Office	Post Office Address	City	<del></del>	State & Zip Code/Country
Address	Mucnshner Strasse 29 F	Oberhaching		82041 Germany
Signature of Inventor	<u> </u>		Date:	

	full Name Of Inventor	Family Name Melden	First Given Name Kurt	Second Given Name
	kesidence ≥ Citizenship	City Manchester	State or Foreign Country Massachusetts	Country of Citizenship USA
A	ost Office Address	Post Office Address 42 Masconomo Street	City Manchester	State & Zip Code/Country MA 01944/USA
Signatur	re of inventor.	MAM	Da	ate: 1/-16-03
1 -	ull Name of Inventor	Family Name Moisand	First Given Name Jerome	Second Given Name
	esidence : Citizenship	City Arlington	State or Foreign Country Massachusetts	Country of Citizenship France
A	ost Office ddress	Post Office Address 31 Hawthorne Avenue	City Arlington	State & Zip Code/Country MA 02476/USA
ignatur	e of Inventor:		De	ate:
	ull Name f Inventor	Family Name Gemmer	First Given Name Thomas	Second Given Name
	esidence Citizenship	City München	State or Foreign Country Germany	Country of Citizenship Germany
A		Post Office Address Hofangerstr. 130	City München	State & Zip Code/Country 81735 Germany
ignature	c of inventor:		Da	

# § 1.56 Duty to disclose information material to patentability.

651-735-1102

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; (1)
  - (2)It refutes, or is inconsistent with, a position the applicant takes in:
    - (ī) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (c)
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the (d) attorney, agent, or inventor.

The specification of which a. is attached hereto

Attorney Docket No. 1014-065US01/JNP-0309

651-735-1102

#### SHUMAKER & SIEFFERT, P.A.

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and that I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONTROLLING DATA LINK LAYER ELEMENTS WITH NETWORK LAYER ELEMENTS

COUNTRY	OREIGN APPLICATION(S), IF ANY, C APPLICATION NUMBER  OREIGN APPLICATION(S), IF ANY, FI APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
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F	OREIGN APPLICATION(S), IF ANY, C	DATE OF FILING	DATE OF ISSUE
F	OREIGN APPLICATION(S), IF ANY, C	DATE OF FILING	
F		LAIMING PRIORITY UN	DER 35 USC 8 119
- pproduction			
that of the application or  a. One such application	riority benefits under Title 35, United States and have also identified below any foreign the basis of which priority is claimed: us have been filed. have been filed as follows:	tes Code, § 119/365 of any t application for patent or in	foreign application(s) for patent or invent ventor's certificate having a filing date be
I acknowledge the duty of Federal Regulations,	to disclose information, which is material § 1.56 (attached hereto).	to the patentability of this a	pplication in accordance with Title 37, C
I hereby state that I have any amendment referred	reviewed and understand the contents of to above.	the above-identified specifi	cation, including the claims, as amended
MINCH I HAVE JEVIEWEG S	nd for which I solicit a United States pate	claimed in international no.	filed and as amended on (if a

I hereby claim the benefit of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS
		·

I hereby appoint Practitioners at Customer Number 28863 and the following Practitioners

Reg. No. 41,804



Steven J. Shumaker	Reg. No. 36,275	Daniel J. Hanson	Reg. No. 46,757
Kent J. Sieffert	Reg. No. 41,312	Kelly P. Fitzgerald	Reg. No. 46,326
Jason D. Kelly	Reg. No. 54,213	David L. Clark	Reg. No. 37,082
Allen M. Lo	Reg. No. 37,059	Kari H. Bartingale	Reg. No. 35,183

as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I bereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sieffert, P.A. to the contrary.

Please direct all correspondence in this case to:

Richard J. Gregson

SHUMAKER & SIEFFERT, P.A. 8425 Seasons Parkway, Suite 105 St. Paul, Minnesota 55125 Telephone: 651.735.1100 Facsimile: 651.735.1102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Full Name Of Inventor	Family Name Kokot	First Given Name Mathias	Second Given Name
	Residence	City	State or Foreign Country	Country of Citizenship
	& Citizenship	Medford	Massachusetts	Germany
	Post Office	Post Office Address	City	State & Zip Code/Country
	Address	9 Clewley Road	Medford	MA 01255/USA
Signs	ature of Inventor	M. Coled	Date:	1/3/03

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Rodicr	Hermann	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Oberhaching	Germany	Germany
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Mucnshner Strasse 29 F	Oberhaching	82041 Germany
gnature of Inventor	•	Da	

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Melden	Kurt	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Manchester	Massachusetts	USA
Post Office	Post Office Address	City	State & Zip Code/Country
Address	42 Masconomo Street	Manchester	MA 01944/USA
Signature of Inventor		Date	:
			·
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Moisand	Jerome	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Arlington	Massachusetts	France
Post Office	Post Office Address 31 Hawthorne Avenue	City	State & Zip Code/Country
Address		Arlington	MA 02476/USA
Signature of Inventor:	TUH?	Date	11/03/2003
1			-
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Gemmer	Thomas	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	München	Germany	Germany
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Hofangerstr. 130	München	81735 Germany
Signature of Inventor:		Date	

or

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